

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAN BEAUGRAND, as administratrix of the
Estate of Kimberle Mabry,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 13-cv-598-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of the defendant United States of America to dismiss plaintiff Jan Beaugrand's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to file an affidavit from a medical professional indicating the case has merit, as required by 735 ILCS 5/2-622 (1998) (Doc. 9). Beaugrand has responded to the motion (Doc. 10) conceding that she has not attached the required affidavit and asking leave to amend her complaint. In light of these filings, the Court **GRANTS** the motion to dismiss (Doc. 9), **DISMISSES** Beaugrand's complaint **without prejudice** and **ORDERS** that Beaugrand shall have up to and including February 7, 2014, to amend her pleading to include the required documents.

IT IS SO ORDERED.

DATED: January 21, 2014

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE